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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/732,482	12/07/2000	Rabindranath Dutta	AUS920000856US1	3172
7590	12/20/2004		EXAMINER	
Joseph R. Burwell Law Office of Joseph R. Burwell P.O. Box 28022 Austin, TX 78755-8022				DASS, HARISH T
		ART UNIT		PAPER NUMBER
				3628

DATE MAILED: 12/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/732,482	RABINDRANATH DUTTA
	Examiner Harish T Dass	Art Unit 3628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 30 August 2004.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-8,10,11,14-21,23,24,27-34,36 and 37 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-8,10,11,14-21,23,24,27-34,36 and 37 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

<ol style="list-style-type: none"> <li>1)<input checked="" type="checkbox"/> Notice of References Cited (PTO-892)</li> <li>2)<input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</li> <li>3)<input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.</li> </ol>	<ol style="list-style-type: none"> <li>4)<input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .</li> <li>5)<input type="checkbox"/> Notice of Informal Patent Application (PTO-152)</li> <li>6)<input type="checkbox"/> Other: _____.</li> </ol>
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## DETAILED ACTION

Claims 9, 12-13, 22, 25-26, 35, and 38-39 are canceled.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2, 6-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Woolston (US 6,202,051) in view of Alan L. Eliason "Online Business Computer Applications", 2<sup>nd</sup> Edition, 1987. (Hereinafter Eliason).

Re. Claim 1, Woolston discloses a method, apparatus and readable medium (CD-ROM) for an auctioning of an uniquely identified item for sale by an electronic network [see entire document particularly, Abstract; Figures; C1 L1 to C2 L2; C5 52 to C6 L49; C20 L13; claims] and receiving a transaction message at a computer system through a communication network from a seller, wherein the transaction message comprises a description of goods to be transferred during a transaction between a seller of the goods and a buyer of the goods [see entire document particularly, Abstract; Woolston – Fig. 13, C8 L46 to C9 L55; C10 L9-L25; C20 L32-L42], creating a transaction tag (bar code) to be associated with the goods during the transaction, wherein the transaction tag uniquely identifies the goods in the transaction [C15 L53 to C6 L2; C17 L37-L67;

abstract], sending the transaction tag to the seller (posting terminal which is seller) [C4 12-L16; C16 L19-20], receiving, at a computer system through a communication network from the seller, a digital image to be associated with the transaction, wherein the digital image comprises an image of the goods on which the transaction tag has been attached, the transaction tag [Fig. 13; C4 12-L16; C8 L46 to C9 L55; C16 L19-20]; and sending the digital image to one or more viewers (participants) [C6 L26-L39; C8 L46 to C9 L55]. However, Woolston, explicitly, does not disclose wherein the transaction tag is a physical tag and transaction tag being visible within digital image. It is well known that in United States many of the products shipped include a bar code, item name, and specification with picture imprinted on the side of a box and an invoice affixed to the box describing what item is shipped and where the buyer can check without opening the box. For example, a delivery of an IBM personal computer will have the box with a picture, bar cod and an invoice attached to the box. Further, digital driver licenses and many ID Badges (visible by wearing it in office building) are coded with pictures of the drivers (people) and employee are known, for example, in 1999 employee of Lucent Technology in Red bank, NJ, were Examiner worked, used to wear a ID badges with digital pictures. Therefore it would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the disclosure of Woolston to affix a digital image of a product with product information imprinted on the box. Additionally, Eliason discloses online business transactions and transaction documents particularly packing slips for shipment which is packed with shipment to show what item(s) is (are) in the package in detail ad a separate copy is mailed

separately in shipping paper (proof of shipment) [see entire selected pages of the book, particularly pages 30-31; 73; 92-93; 189& 208]. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the disclosure of Woolston and include a package slip, as taught by Eliason, to show what item is included and this slip may be affixed on the side of the box as discloses by US shipping procedure to check the content of the delivered item without opening the box.

Re. Claim 2, Woolston discloses accepting a bid from the buyer for the goods; and notifying the seller that the bid from the buyer is winning bid in an online auction [C6 L26-L49; C20 L65-67; C26 L15-L17].

Re. Claim 6, Woolston, explicitly, does not disclose generating a transaction identifier for the transaction, wherein the transaction identifier provides an association between the transaction and electronic communication regarding the transaction. However, invoice numbers are well known to track transactions and commonly used by the seller and buyer to communicate about a particular transaction.

Re. Claim 7, Woolston, discloses generating encrypted information to be included on the transaction tag (bar code are encrypted information) [C17 L30-L45].

Re. Claim 8, Woolston, discloses physically shipping [C3 L35-L36] but, explicitly, does not disclose mailing the transaction tag to the seller. However, mailing tags (driver license and ID badges) are well known and are prior art.

Re. Claim 9, Woolston discloses storing the transaction tag in an electronic document (image processing and storage) [C15 L8-L10]; and electrically delivering the electronic document containing the transaction tag to the seller (email) [C6 L67 to C7 L2]. It is well known that electronic documents such as pictures, images and drawings routinely are attached to email and sent to recipients.

Re. Claims 10-11, 14-15, 19-21, 23-24, 27-28 & 32-34, 36-37, these claims are parallel claims to 1-9 and therefore they are rejected with same rational and reference stated in rejections of claims 1-2, 6-8.

Claims 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Woolston and Eliason as applied to claim 1-3 above, and further in view of Shkedy (US 6,260,024).

Re. Claims 3-5, Woolston discloses notifying the buyer that the bid from the buyer is winning bid in the online auction [C6 L26-L49; C20 L65-67; C26 L15-L17; C20 L32-L67]. Woolston, explicitly, does not disclose in response to accepting payment for the goods from buyer, notifying the seller of payment for the goods; holding the payment in

escrow, and receiving an acceptance message, wherein the acceptance message indicates an acceptance of goods received from the seller by the buyer; and releasing payment for the goods to the seller, and receiving a rejection message, wherein the rejection message indicates a rejection of goods received from the seller by the buyer; and returning payment for the goods to the buyer. However, Shkedy discloses in response to accepting payment for the goods from buyer, notifying the seller of payment for the goods; holding the payment in escrow [Fig. 2; Abstract; Fig. 2, 10-11, 16; C3 L9-L15; C6 L53-L63; C11 L4-L12; C17 L62-L63], receiving an acceptance message, wherein the acceptance message indicates an acceptance of goods received from the seller by the buyer; and releasing payment for the goods to the seller [C19 L9-L15], and receiving a rejection message, wherein the rejection message indicates a rejection of goods received from the seller by the buyer and returning payment for the goods to the buyer [C19 L9-L15] to allow the seller to transfer the goods to buyer. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to combine disclosures of Woolston and Shkedy to delivered goods and meet all conditions and terms of the contract and If the goods meet the conditions, payment is transferred to the seller.

Re. Claims 16-18 and 29-31, these claims are parallel claims to 3-5 and therefore they are rejected with same rational and reference stated in rejections of claims 3-5.

***Response to Arguments***

2. Applicant's arguments with respect to pending claims have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Harish T Dass whose telephone number is 703-305-4694. The examiner can normally be reached on 8:00 AM to 4:50 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S Sough can be reached on 703-308-0505. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Harish T Dass  
Examiner  
Art Unit 3628

12/13/04



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SUPERVISORY PATENT EXAMINER  
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